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TAGS: [KCOR](#) [KCRM](#) [KDEM](#) [PGOV](#) [PHUM](#) [PINR](#) [PREL](#) [ECON](#) [KE](#)
SUBJECT: ANTI-CORRUPTION CHIEF ON KENYAN KLEPTOCRACY

REF: A) TD-314/014 437-09 B) NAIROBI 411 AND PREVIOUS

Classified By: ECON/C GENE YOUNG FOR REASONS 1.4 (B) AND (D)

¶1. (C) Summary: Kenya Anti-Corruption Commission Director Justice Ringera told Econ/C that while there was no evidence of involvement by "big fish" in either the Triton Oil or maize scandals (ref b) "every mover and shaker" in the Parliament, Cabinet, and the Attorney General's office is corrupt. Ringera indicated that, prior to the formation of the Grand Coalition Government (GCG), he had provided President Kibaki with a list of individuals who should be barred from Cabinet; "it was trashed," he conceded. Ringera said it was "impossible" for the GCG to fight corruption because it would be "killing itself." He noted, however, that he saw no alternative to the GCG. Ringera encouraged the USG to pursue visa revocation/denial against high profile officials to help create a sense of accountability within Kenya's deeply corrupt political elite. Econ/C indicated that corruption would likely be central to future Kenya-U.S. relations. End summary.

¶2. (C) Econ/C met March 5 with Kenya Anti-Corruption Commission (KCAA) Director Justice Aaron Ringera (ref a) to discuss the status of KACC investigations into the Triton Oil and maize scandals (ref b) and to discuss the emphasis the Obama Administration would likely put on fighting corruption in Kenya. On Triton, Ringera said KCAA would wrap up its investigation by the end of March with the submission of a report to the Attorney General's office. He said KCAA had extensively interviewed witnesses without finding any evidence of high-level involvement. "It was petty corruption, but with grand consequence," he said, adding that the fraud at the Kenya Pipeline Corporation went only as high as a computer manager who manipulated allocations of oil on Triton's behalf. (Comment: It strikes us as improbable that a scandal of this magnitude would not involve higher level officials.) Ringera indicated his confidence that the mid-level perpetrators would be prosecuted by the AG. He emphasized that no "big fish" would be charged.

¶3. (C) Ringera said KACC's investigation into the maize scandal was ongoing, including a forensic audit by an international accounting firm beginning in March. He expects the audit will account for all maize bags allocated from the Strategic Grain Reserve (SGR), and who bought and sold them. He said the evidence showed negligence in the management of the SGR but no criminal activity. According to Ringera, the media had sensationalized the "misallocation" of bags into a huge scandal. He characterized the misallocation of bags as "commercial immorality" but, again, nothing criminal. Ringera then --somewhat contradicting himself -- noted that several members of parliament could face charges for ethics violations ("influence peddling" he called it) because they had pressed the National Cereals and Produce Board to allocate maize to their constituencies. When asked by Econ/C about the illegal export of maize to southern Sudan, Ringera replied that the ban came into effect in December 2008 - a time after the maize was allegedly exported. Ringera said there was no evidence of influence peddling by Agricultural Minister Ruto or kick backs. As with Triton, there was no evidence of "big fish" involvement, he said.

14. (S) Switching gears, Ringera mused about Kenya's culture of impunity, describing what amounts to a kleptocracy. He said "every mover and shaker" in each branch of government is corrupt. Ringera reported that during the formation of the GCG he provided President Kibaki with a list of severely compromised officials who should not be permitted to serve in the new Cabinet. Ringera conceded that the President "trashed the list" and appointed a rogue's gallery including -- but not limited to -- Deputy Prime Minister Mudavadi (Goldenberg scandal), Interior Minister Saitoti (Goldenberg scandal), Higher Education Minister Sally Kosgei (illegal acquisition and sale of government land), Industrialization Minister Henry Kosgey (fleecing parastatals), and Regional Development Minister Gumo (illegal land acquisition/sale).

15. (C) Ringera said it was "impossible" for the Grand Coalition Government (GCG) to fight corruption because it would be "killing itself." However, he also noted that he saw no alternative to the GCG. Ringera encouraged the USG to pursue visa revocation/denial against high profile officials to help create a sense of accountability within Kenya's deeply corrupt political elite. ECON/C told Ringera that the USG is reviewing its options on assisting Kenya in the fight against corruption. Pointing to President Obama's inaugural remarks as well as his August, 2006 speech at the University of Nairobi, ECON/C added that galvanizing the coalition government to act on the reform agenda and on corruption are and would continue to be a central theme in our bilateral relationship.

16. (C) Comment: Ringera and his office are losing the fight against large scale corruption either through fatigue, a lack of legal weapons, or a genuine disinterest in taking on the toughest cases. The Director is starting to sound like he falls in the latter category. But his conclusions about the Coalition and the "feeding frenzy" we have described before continue to ring true. At this time, the leadership and resolve needed to take on those involved in corruption at the most senior levels is lacking within the GOK. End comment.

RANNEBERGER